

## **REMARKS/ARGUMENTS**

The Official Action and the cited references have once again been carefully reviewed. The review confirms that the claims, as amended, and mostly agreed to by the Examiner, recite patentable subject matter over the citations of Mazzara, Bamburak et al. and Narasimha et al. and are therefore allowable.

Reconsideration and allowance are therefore respectfully requested.

Upon review, the innovation pertains to a method and apparatus for efficiently selecting and acquiring a wireless communications system (opposite to the prior art, where each failed attempt can take up to 20 seconds and are caused by a variety of factors, i.e., inability to detect a pilot signal or a blocked or weakened signal due to physical obstructions).

In the present system, a mobile station is adapted to avoid unusable wireless communications systems during the process of system acquisition – wherein the mobile station includes processing circuitry and a memory storing a preferred roaming list and system avoidance data.

The system avoidance data identifies unusable systems and includes corresponding avoidance criterion, so that the processing circuitry selects a system from the preferred roaming list based upon a predetermined system acquisition procedure, wherein the selection system is skipped if corresponding avoidance criterion (equal to a current time plus an avoidance duration time) is satisfied. If the selected system is useable, the mobile station acquires and registers with the selected system. Further, the processing circuitry is adapted to add systems to the system avoidance data responsive to a communications failure, and remove systems from the system avoidance data when corresponding avoidance criterion is no longer satisfied.

Claims 22-24 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully traverse this rejection and request reconsideration for reasons hereafter related.

Paragraph [0009] of the Specification is clear in that it states that the processing circuitry is adapted to create and maintain a list of unusable systems that is stored in the memory and includes a plurality of system identifiers and corresponding avoidance criteria, etc.

Nevertheless, so as to clearly include the “process of readable media” in the Specification, Applicants have amended the specification to recite the same.

Claims 22-24 were rejected under 35 USC 101 on grounds they are directed to non-statutory subject matter under 35 USC 101.

Applicants respectfully traverse this rejection and request reconsideration for reasons hereafter related.

Firstly, the specification now includes via amendment, the definition, inclusive of limitations of the processor readable media, so as to enable one skilled in the art to recognize what processor readable media covers. Nowhere in this description is there a reference to “signal”.

Therefore, it is respectfully requested that this rejection be withdrawn.

Applicants note with appreciation, the indication that claims 1-3 and 5-21 are deemed allowed.

**Conclusion**

In view of the forgoing amendments, remarks and arguments, it is believed that the application is fully in condition for allowance, and early notification of the same is earnestly solicited with respect to all of the claims.

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Respectfully submitted,

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